

SENATE BILL 260

By Jackson

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 30, relative to the disposition of post-conviction relief petitions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-30-111, is amended by adding the following new subsection (e):

(e)

(1) By December 1, 2008, and every December 1, thereafter, the administrative office of the courts shall complete the compliance report required by subsection (d) and submit such report to the chief clerk of each house and the chair of the judiciary committee of each house.

(2) The administrative office of the courts, in consultation with the district attorneys general conference, the office of the post-conviction defender and the district public defenders conference, shall review the annual compliance report to determine if the time period for the final disposition of post-conviction petitions in capital cases set out in subsection (d) is a realistic time period for providing a thorough and meaningful review of the claims and making a final disposition of them. If it is determined that the statutory period for final disposition of such petitions is not realistic, the administrative office of the courts shall determine a realistic and attainable time period and submit it to the legislature as provided in subdivision (1).

(3) The review and determination of a realistic time period for the conclusion of post-convictions petitions required by subdivision (2) shall be made by December 1, 2009, and every December 1 thereafter.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.